

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12483 of 2021

=====

Ashish Kumar Son of Jay Singh Resident of Chhoti Baliya, P.O.- Lakhania,
P.S.- Baliya, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar at Patna.
2. District Magistrate, Patna, District- Begusarai.
3. The Sub Divisional Officer cum Licensing Authority, Balia, District- Begusarai.
4. Block Supply Officer, Balia, District- Begusarai.
5. Soni Kumari Wife of Rajeev Kumar Chaudhary Resident of Chhoti Balia, Masudh Chak, P.S.- Balia, District- Begusarai.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh
For the Respondent/s : Mr.S. Raja Ahmad (Aag5)

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 22-09-2022

Mr. Sumeet Kumar Singh, learned counsel for the petitioner presses I. A. No. 01 of 2021 for impleading one Niraj Kumar as Respondent No. 8.

There would be no need to pass order on the aforesaid Interlocutory Application as this Court intends to refer the matter to the Divisional Commissioner for a fresh decision.



The petitioner has challenged the grant of licence to aforesaid Niraj Kumar on the ground that he had made his application for the same under the reserved category but was granted licence under the general category.

In view of the notification dated 21.07.2022 issued by the Government of Bihar in exercise of powers conferred under Section 3 and 5 of the Essential Commodities Act, 1955 read with clause 36 of the Bihar Targeted Public Distribution System (Control) Order, 2016 we direct that in the event of the petitioner making a suitable representation/complaint before the concerned Divisional Commissioner within a period of 15 days, he shall look into the matter and after hearing all the stakeholders including the proposed Respondent No. 8, namely, Niraj Kumar and all other interested person/persons, shall pass a final order within a further period of 60 days, giving reasons in support of the decision taken by him.

The order so passed by the authority shall be made available to the parties forthwith.



We have specifically asked the proposed Respondent No. 8 to be heard by the Divisional Commissioner as the present order is being passed in his absence.

The writ petition stands disposed of accordingly.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

SKM/uttam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23.09.2022
Transmission Date	N/A

